

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:18-00093

MICHAEL JUSTIN BAILEY and
SARAH K. BAILEY

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant Michael Justin Bailey's motion to continue the trial and all related deadlines for a period of approximately thirty days. (ECF No. 45). In support of his motion and the need for a continuance, counsel for Bailey states that defense counsel needs time to go over the court's reasons for denying his motion to dismiss. According to defendant, he has reached a tentative agreement with the United States to plead guilty but the court's reasoning might necessitate changes to a plea agreement. The reasons for the court's ruling have not yet been placed on the record.


In order to provide sufficient time for defendant to go over the court's Memorandum Opinion, the court will **GRANT** defendant's motion to continue for a short period of time. Accordingly, trial of this matter is continued until December 19, 2018, at 9:30 a.m., in Bluefield. Jury instructions and proposed voir dire are to be filed by December 14, 2018. The court's Memorandum Opinion articulating its reasons for denying the motion to dismiss will be filed by close of business, November

30, 2018. Should defendant need additional time, he should file another motion to continue articulating the additional reasons more time is necessary.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 29th day of November, 2018.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge